

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figs. 1 and 2. This sheet, which includes Fig2. 1 and 2, replaces the original sheet including Figs. 1 and 2. In Fig. 1, reference numerals 30 and 33 have been deleted and reference numeral 14 has been added, and in Fig. 2, reference numeral 33 has been deleted and reference numeral 14 has been added.

Attachment: Replacement Sheet(s)
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1 and 3 are present in this application. By this Amendment, the drawings, the specification and claims 1 and 3 have been amended, and claims 2 and 4 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Information Disclosure Statement filed May 4, 2005 was objected to for allegedly failing to comply with 37 C.F.R. §1.98(a)(3). In this context, however, the Information Disclosure Statement was filed along with a translation of an Office Action from a corresponding Japanese Patent Application. The English language translation of the Office Action is available in PAIR. The translation satisfies the requirements of 37 C.F.R. §1.98, and consideration of the JP '437 reference is respectfully requested. For the Examiner's convenience, a new Form PTO/SB/08 listing on the JP '437 reference is attached hereto.

The drawings were objected to under 37 C.F.R. §1.83(a). Without conceding this objection, reference numeral 14 has been added, and reference numerals 30 and 33 have been deleted. With regard to claim 3, claim 3 has been amended according to the Examiner's suggestion to recite that the first partition plate and the second partition plate are "angled downwardly with respect to a horizontal plane." Withdrawal of the objection is requested.

Claims 1-4 were rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

The Office Action objects to the use of the word "the" after a previously recited limitation. The Office Action contends that this "raises the question of sufficient antecedent basis for these claim limitations." It is well settled, however, that the use of "the" and "said" are interchangeable in patent claims. The Examiner is requested to identify a source of "current U.S.

patent practice” that supports this contention in the Office Action. With regard to claim 1, lines 4-8, without conceding this contention, claim 1 has been amended according to the Examiner’s suggestions, which are noted with appreciation.

Applicant respectfully submits that the claims now more clearly satisfy the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is requested.

Claim 1 was rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,138,868 to Yuyama. Without conceding this rejection, claim 1 has been amended to include generally the subject matter of claim 2. As such, Applicant submits that this rejection is moot. Withdrawal of the rejection is requested.

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) over Japanese Patent Publication 2002-306952 to Ishizuka. This rejection is respectfully traversed.

As described in the specification, in a prior system, when a carry out operation is performed, the specimen containers 1 are moved away from the periphery of the lifting plate 21. Thus, the specimen containers 1 cannot be lifted up even though the lifting plate 21 repeats its lifting operation. The present system prevents this drawback. According to the claimed invention, the auxiliary plate 22 is attached to the lifting plate 21. When the lifting plate 21 descends, the bottom end of the auxiliary plate 22 is supported by the top end of the stopper 25. The top end of the auxiliary plate 22 thus becomes flush with that of the lifting plate 21, as shown in Fig. 5A. The slave specimen container 1 slides on the tapered surface and is smoothly placed on the top end of the lifting plate 21. When the lifting plate ascends, the top end of the auxiliary plate is located at a lower level than that of the lifting plate 21, as shown in Fig. 5B. In other words, the flush-surface state that is obtained when the lifting plate 21 descends is released to thereby form a step between the top ends of the lifting plate 21 and the auxiliary plate 22. By

performing this operation, a wall of a block of specimen containers 1 to be formed around the plates 21 and 22 is crumbled.

When the lifting plate 21 descends again, the specimen containers 1 smoothly slide on the tapered surface from the top end of the auxiliary plate 22 to that of the lifting plate 21. Thus, one or more specimen containers 1 are always placed on the lifting plate 21 that has descended. The operation for sending out the specimen containers 1 is thus performed without fail.

As a result of the repetition of this operation, the foregoing drawback does not occur, and the specimen containers are reliably lifted up whenever the lifting plate 21 ascends. With this construction, an air piston cylinder device is used as the drive source 23; therefore, noise can be reduced to a minimum. See, for example, page 10, line 9 – page 11, line 19.

Claim 1 recites that the container individually-sending mechanism includes a drive source, a lifting plate which is driven up and down by the drive source, and an auxiliary plate which is mounted on one side of the lifting plate and is slidable up and down relative to the lifting plate. Claim 1 further recites that the auxiliary plate has a top end with a tapered surface that descends toward an outside of the container storing box. The lifting plate and the auxiliary plate are constructed such that the top end of the auxiliary plate is flush with that of the lifting plate when the lifting plate descends and is located in a lower level than that of the lifting plate when the lifting plate ascends. At least this structure is lacking in the Ishizuka publication.

Rather, Ishizuka discloses a fixed quantity supply apparatus that endeavors to prevent the generation of powder by suppressing rubbing of a plurality of tablets to each other. The structure utilizes the interaction of first and second elevating guides 21 and 22 to control a quantity of tablets that are guided to an outlet at one time, thereby limiting rubbing of the tablets and decreasing generation of powder from the tablets. With reference to Figs. 4(a)-(d), with the

plates 21, 22 in the raised position as shown in Fig. 4(a), none of the tablets are permitted to pass. When the first guide 21 is lowered as in Fig. 4(b), a limited number of tablets fall onto a top surface of the first guide 21 and are stopped against a side surface of the second guide 22. As shown in Fig. 4(c), the first guide 21 is then raised again, and the tablets fall to a top surface of the second guide 22. In this position, additional tablets are prevented from falling due to the position of the first guide 21. Subsequently, as shown in Fig. 4(d), the second guide 22 is raised so that the tablets are delivered to a tablet exit. The cycle is then repeated.

It is clear then that Ishizuka lacks at least the claimed subject matter noted above. Ishizuka similarly lacks any suggestion to modify its structure, particularly as such a modification would render the Ishizuka system inoperable for its intended purpose.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) over Ishizuka in view of U.S. Patent No. 4,567,997 to Portyansky. The Portyansky patent, however, does not correct the deficiencies noted above with regard to Ishizuka. Indeed, as noted, Ishizuka teaches away from any such modification. As such, Applicant submits that claim 3 is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claim 2 was rejected under 35 U.S.C. §103(a) over Yuyama in view of U.S. Patent No. 488,084 to Miner. As this rejection may be applied to claim 1 as amended, this rejection is respectfully traversed.

The Office Action recognizes that Yuyama lacks at least the claimed auxiliary plate mounted on one side of the lifting plate. The Office Action contends that Miner discloses such structure with "the top end of the auxiliary plate being flush with that of the lifting plate when the lifting plate descends and being located in a lower level than that of the lifting plate when the

lifting plate ascends.” Applicant respectfully submits, however, that this characterization of the Miner patent is inaccurate.

In the Miner patent, the slide C is shown in its lowest position in Fig. 2. In this position, the blanks A may roll onto the inclined end f. As the slide C rises, the slide D descends, and when they have been carried to the position illustrated in Fig. 2, the blanks on the inclined end f of slide C will roll off and onto the inclined end g of slide B. The slides C, D continue their movement until both slides have reached the limit of their movement, when they will be moved in opposite directions, and the slide D will carry the blanks which were deposited on its inclined end g until the latter is moved to the position illustrated in Fig. 2, when the blanks will roll off from the end g onto the inclined shelf or support h and subsequently through the vertical feed trough or guide I. See page 1, lines 45-69. The slides C, D in the Miner structure thus move alternately in contrast with the claimed invention.

Applicant thus respectfully submits that the rejection is misplaced. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 3 was rejected under 35 U.S.C. §103(a) over Yuyama in view of Portyansky. Since claim 1 has been amended to include generally the subject matter of claim 2, Applicant submits that this rejection is moot. Withdrawal of the rejection is requested.

Claim 4 was rejected under 35 U.S.C. §103(a) over Yuyama in view of Miner and Portyansky. Claim 4, however, has been canceled. Withdrawal of the rejection is requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the

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application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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